

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

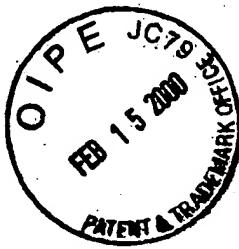
LEVSEN, CLARK A.

Serial No.: 09/264,267

Filed: March 8, 1999

KNIFE HOLDER

**Examiner: Novosad, J.
Group Art Unit No. 3634**



Assistant Commissioner for Patents
Washington, D.C. 20231

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TC 3600 MAIL ROOM

DECLARATION OF CLARK A. LEVSEN
ATTESTING TO KNOWN PRIOR KNIFE HOLDER DESIGN OF ANOTHER

1. I, the undersigned, Clark A. Levsen, am a United States Citizen residing at 7140 Long, Shawnee, Kansas 66216.
2. I am the sole inventor of the invention disclosed and claimed in the above-referenced application.
3. I am submitting this Declaration to fulfill my duty to disclose information material to the patentability of the invention disclosed and claimed in this application.
4. I am employed by Hantover, Inc. ("Hantover"), the owner this application, as a the R&D and Engineering Manager. I have been employed by Hantover for approximately twenty (20) years. Hantover is a manufacturer and distributor of various food processing and food equipment products and supplies.
5. As part of my duties at Hantover, I will routinely attend trade shows to, among other things, keep abreast of new product developments and observe and inspect the products of other companies.

6. In June of 1998, I and the owner of the Hantover, Bernard Huff, attended an annual trade show in Frankfurt, Germany. The show is known as the EFFA Show and is essentially devoted to food equipment and food supply products.

7. Victorinox, a Switzerland company, was one of the companies participating in the EFFA Show. Victorinox is a manufacturer of knives and one of the vendors for Hantover.

8. One of the products being displayed by Victorinox was a knife holder comprising a hollow, rectangular wooden box having an open top, with a plurality of one millimeter plastic rods projecting lengthwise from the top of the box. The rods were loosely contained within the box; that is, the rods were not interconnected and could be freely and individually removed from the box. Several knives were inserted into the box through the top thereof and were being held in an upright orientation by the plastic rods. We were informed that the rods had been individually hand cut in Italy. Furthermore, we were told that the loose rods were unwieldy and therefore problematic.

9. To the best of my knowledge, there was no brochure or any other type of printed material describing the Victorinox knife holder available at the show. Nor have I ever received or obtained any printed material from Victorinox on its knife holder. Furthermore, I did not photograph the Victorinox knife holder at the show, nor have I ever had any photographs of the Victorinox knife holder. The only public disclosure of the Victorinox knife holder known to me was at the EFFA Show in June of 1998.

10. As I was observing the Victorinox knife holder, I theorized that it could be improved if the rods were prevented from shifting lengthwise relative to one another. I also had an idea as to how such an arrangement might be constructed. I particularly believed that a cold pour acrylic plastic could possibly be used to adhere the plastic rods to one another so as to form a unitary rod assembly. I informed Victorinox at the EFFA Show that I might be able to improve its knife holder

by preventing relative lengthwise shifting of the rods, and Victorinox responded that it would consider purchasing such an improved knife holder from Hantover if I could solve the problem.

11. After returning from the EFFA Show, I conducted various experiments and built a prototype utensil holder having rods that were prevented from shifting lengthwise relative to one another. The prototype used cold pour acrylic bonded to and interconnecting polyvinyl chloride rods. We were excited and surprised to find that the use of relatively fixed rods provided a practical, virtually trouble-free utensil holder. Moreover, my utensil holder design afforded numerous unexpected advantages (see the specification of this application). It is the inventive utensil holder embodied by my prototype made after the EFFA Show that is the subject of this application.

12. With the help of my attorney, I am familiar with and understand the claims presently appearing in this application. Even if the Victorinox knife holder qualifies as prior art to my invention, I believe that the subject matter of these claims is new and would not have been obvious to one ordinarily skilled in the art.

13. I hereby declare that all statements made herein of my own knowledge are true and that statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Declaration is directed.


Clark A. Levsen

(Docket No.27070)